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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BOARD OF TRUSTEES OF THE CEMENT
MASONS HEALTH AND WELFARE TRUST
FUND FOR NORTHERN CALIFORNIA;
BOARD OF TRUSTEES OF THE CEMENT
MASONS VACATION-HOLIDAY TRUST
FUND FOR NORTHERN CALIFORNIA;
BOARD OF TRUSTEES OF THE CEMENT
MASONS PENSION TRUST FUND FOR
NORTHERN CALIFORNIA; AND BOARD
OF TRUSTEES OF THE CEMENT MASONS
TRAINING TRUST FUND FOR NORTHERN
CALIFORNIA,

Plaintiffs,

v.

C AND C CONCRETE, INC. a California
corporation and JOSE R. HERRERA, JR., an
individual,

Defendant.

Case No.: C 10-3343 LB

**STATEMENT IN LIEU OF CASE
MANAGEMENT CONFERENCE;
ORDER THEREON**

Date: January 13, 2011
Time: 1:30 p.m.
Ctroom: 4, Oakland
Hon. Laurel Beeler

STATEMENT

Plaintiffs filed their Complaint for Breach of Collective Bargaining Agreement, To Recover Unpaid Trust Fund Contributions, for Breach of Fiduciary Duty and for a Mandatory Injunction ("Complaint") on July 29, 2010, seeking to recover past due employee fringe benefit contributions on behalf of C and C Concrete, Inc.'s covered employees.


Defendants were served on August 6, 2010. Defendants failed to file a responsive pleading. On September 3, 2010 Plaintiffs filed their Request For Clerk's Entry of Default. On September 8, 2010 The Request for Clerk's Entry of Default was granted.

Defendants and Plaintiffs are still in direct negotiations in an attempt to resolve the matter prior to further litigation. Plaintiffs respectfully request that this Court allow the parties an additional 30 days to attempt to settle the case.

Based on the above, Plaintiffs respectfully request that this Court continue the Case Management Conference for 30 days at which time either Plaintiffs can report to the Court that the case is settled or Plaintiffs will file their Motion for Default Judgment.

DATED: January 5, 2011

BULLIVANT HOUSER BAILEY PC

By 
 Ronald L. Richman
 Susan J. Olson

Attorneys for Plaintiffs

ORDER

Pursuant to Plaintiffs' request and good cause appearing:

IT IS HEREBY ORDERED that the Case Management Conference be continued to March 10, 2011, Courtroom 4, Oakland at 1:30 p.m. The parties shall file a joint CMC statement no later than 7 days prior to the continued case management conference.

DATED: January 6, 2011

By

